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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,226	02/24/2000	Jeffrey L. Huckins	INTL-0270-US-(P7593)	5664

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EXAMINER

HOYE, MICHAEL W

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/512,226	Applicant(s) HUCKINS, JEFFREY L.	
	Examiner Michael W. Hoyer	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 31-33,35,36 and 38-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31,32,38-45 and 47-49 is/are rejected.
- 7) ☒ Claim(s) 33,35,36 and 46 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on May 2, 2005 have been fully considered but they are not persuasive.

Regarding amended independent claim 31, the claim is rejected based on further consideration of the Kusaba reference and new grounds of rejection.

Regarding amended independent claims 41 and 47, the Applicant argues that, "nowhere does Kusaba disclose that a first announcement including a content description for content is transmitted via a digital broadcast. Instead, Kusaba merely teaches that content information is sent to a single user via a telephone line and a computer connection."

In response, the Examiner respectfully disagrees with the Applicant because Kusaba discloses additional embodiments that may be used where, "The use of the personal computer can be also omitted by adding a requesting function to the television monitor 125." (see col. 8, line 66 – col. 9, line 13 and more specifically col. 9, lines 11-13). Furthermore, Kusaba discloses that the transmitted first and second announcements are transmitted via a digital broadcast (col. 3, lines 28-34 and 48-55), and although only one viewer's home 12 is shown (see Figs. 2, 5 and 7-8), a number of viewer's homes can exist (col. 3, lines 45-47).

### ***Claim Objections***

2. Claim 45 is objected to because of the following informalities: "the identifier" in line 2 of the claim should be --the service identifier--. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 31-32, 38-45 and 47-49 are rejected under 35 U.S.C. 102(e) as being anticipate by Kusaba et al (USPN 6,510,556), cited by the Examiner.

As to claim 31, note the Kusaba et al reference which discloses a video distributing apparatus and video distributing system. The claimed method comprising transmitting a first announcement including a content description for content is met by the initial picture screen 400 (Fig. 4A), where a user may, for example, select a desired genre, such as “movie”, after making a selection, the video distribution apparatus 111/scheduler 105 transmits the contents of the title table 103 to the user at personal computer 123 (see Figs. 3, 4A and 4B, and col. 3, line 66 – col. 4, line 22). The claimed first announcement transmitted before any assignment of connection has been determined for the content is met by the content description announcement(s), as described above, and shown in Figs. 4A-4B, comprise types of genre (Fig. 4A) and titles of content (Fig. 4B) with the content’s length of time, and this information is transmitted before any assignment of connection has been determined because the user selects or designates a channel to view or receive the content on after selecting a title to reserve (see Figs. 4B-4D and col. 4, lines 23-62). The claimed said first announcement including a service identifier to link with a second

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announcement is met by the number identifiers and more specifically by the title names (Fig. 4B), which provide a link to the second announcement that includes the channel numbers or connection information (see Figs. 4C-4F), where the title is the identifier of the service (i.e. movie). The claimed thereafter transmitting a second announcement including connection information for the content is met by the video distribution apparatus 111/scheduler 105 transmitting the connection information or channel designation information as shown in Figs. 4C and 4D as described above. The claimed transmitting the content after the first announcement and the second announcement is met by the content being transmitted on a designated channel at the selected start time after the user previously had received the title selections and channel designations and made a selection to reserve the content to be broadcasted (see col. 4, line 62 - col. 6, line 9).

As to claim 32, the claimed arranging said content description with at least two levels of granularity is met by a “group” level of granularity as shown in Fig. 4A by the various categories or types of genre, and by an “item” level of granularity as shown in Fig. 4B by the various title content selections.

As to claim 38, the claimed transmitting said connection information includes transmitting a data program guide is met by Figures 4C-4F, where the channel numbers or “connection information” is displayed with time table 421 and 441 for Fig. 4E, which shows what programs or titles have been designated to specific channels at specific time intervals.

As to claim 39, the claimed transmitting the content via a satellite is met by satellite 13 as shown in Figs. 2 and 5, where the content is transmitted to the viewer’s home 12.

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As to claim 40, the claimed accumulating the connection information at a transport operator for later transmission via the second announcement is met by the scheduler 105 and schedule table 104 at the video distributing system 111 (col. 4, line 44 - col. 5, line 67).

As to claim 41, the claimed article comprising a medium to store instructions...is met by the video distributing apparatus 111 (col. 3, lines 10-27), and the majority of the remainder of the claim is met by the rejection of claim 31 as described above. The claimed transmit a first announcement via a digital broadcast is met by Kusaba through additional embodiments that may be used where, "The use of the personal computer can be also omitted by adding a requesting function to the television monitor 125." (see col. 8, line 66 – col. 9, line 13, and more specifically col. 9, lines 11-13), where Kusaba discloses that the transmitted first and second announcements are transmitted via a digital broadcast (col. 3, lines 28-34 and 48-55), and although only one viewer's home 12 is shown (see Figs. 2, 5 and 7-8), a number of viewer's homes can exist (col. 3, lines 45-47).

As to claim 42, the claim is met by similar grounds as the rejection of claim 32 as described above.

As to claim 43, the claimed storing instructions that if executed enable the system to specify the location of service in said connection information is met by designating a channel for the service to be located in (see Fig. 4C and col. 4, line 44 - col. 5, line 67).

As to claim 44, the claimed providing a service identifier to link said first and second announcements is met by the number identifiers and more specifically by the title names (Fig. 4B), which provide a link to the second announcement that includes the channel numbers or

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connection information (see Figs. 4C-4F), where the title is the identifier of the service (i.e. movie).

As to claim 45, the claimed storing instructions that if executed enable the system to include the service identifier in the first announcement and the second announcement is met by the number identifiers and title names (Fig. 4B) in the first announcement, and wherein the second announcement includes the channel numbers or connection information, as well as title names (see Figs. 4C-4F).

As to claim 47, the claimed system comprising a processor and a transmitter coupled to said processor...is met by the video distributing apparatus 111 (col. 3, lines 10-27), which includes the commander 106 and scheduler 105, as well as a server and transmitter, and the majority of the remainder of the claim is met by the rejection of claim 31 as described above. The claimed transmit a first announcement via a digital broadcast is met by Kusaba through additional embodiments that may be used where, "The use of the personal computer can be also omitted by adding a requesting function to the television monitor 125." (see col. 8, line 66 – col. 9, line 13, and more specifically col. 9, lines 11-13), where Kusaba discloses that the transmitted first and second announcements are transmitted via a digital broadcast (col. 3, lines 28-34 and 48-55), and although only one viewer's home 12 is shown (see Figs. 2, 5 and 7-8), a number of viewer's homes can exist (col. 3, lines 45-47).

As to claim 48, the claimed storage coupled to said processor to store a template for said second announcement, said template formed before said connection information is available is met by the tables 103 and 104 in the video distributing apparatus 111, and by the picture plane

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420 (Fig. 4C), where the template has already been formed before the connection information is available to the user (col. 4, line – col. 6, line 9).

As to claim 49, the claimed said transmitter to transmit a service identifier to link said first and second announcements is met by the video distributing apparatus 111, as described above, transmitting the number identifiers and title names (Fig. 4B), which provide a link to the second announcement that includes the channel numbers or connection information (see Figs. 4C-4F), where the title is the identifier of the service (i.e. movie).

#### *Allowable Subject Matter*

5. Claims 33, 35-36 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 33, the prior art alone or in combination does not explicitly disclose the claimed linking each of the granularity levels to connection information for the granularity. As to the most pertinent prior art of record, the Kusaba et al (USPN 6,510,556) reference discloses arranging the content description with at least two levels of granularity as described above in claim 32. However, Kusaba does not explicitly disclose the claimed linking each of the granularity levels to connection information for the granularity. In the Kusaba reference only the “item” or “title” granularity level is linked to connection information.

Regarding claims 35-36, the prior art alone or in combination does not explicitly disclose the claimed specifying the location of service in said connection information. As to the most



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pertinent prior art of record, the Kusaba et al reference discloses a service identifier to link with said second announcement as described above in claim 31. However, Kusaba does not explicitly disclose the claimed specifying the location of service in said connection information.

Regarding claim 46, the prior art alone or in combination does not explicitly disclose the claimed storing instructions that if executed enable the system to generate the second announcement using a template while the first announcement is generated. As to the most pertinent prior art of record, the Kusaba et al reference discloses forming a template for said second announcement as described as described above in claim 48. However, Kusaba does not explicitly disclose the claimed storing instructions that if executed enable the system to generate the second announcement using a template while the first announcement is generated.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR.1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is **571-272-7346**.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

**Any response to this action should be mailed to:**

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

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**Or faxed to: 571-273-8300.**


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**Hand-delivered responses should be brought to the Customer Service Window at the address listed above.**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Michael W. Hoyer  
July 14, 2005

  
**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**